

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 93-503-C - ORDER NO. 94-622 ✓  
JUNE 28, 1994

IN RE: Southern Bell - Investigation      ) ORDER RULING ON  
      of Level of Earnings                ) PETITION AND MOTION

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Petition for Reconsideration and the Motion to Make More Definite and Certain filed by the South Carolina Cable Television Association (SCCTA) in this Docket.

SCCTA filed a Petition for Reconsideration of Order No. 94-486 in this docket issued May 26, 1994, listing several grounds. The upshot of this Motion is that, if the Commission granted it, it would reverse its previous position on consolidation of the earnings docket with consideration of an incentive regulation plan for Southern Bell Telephone and Telegraph Company (Southern Bell). It should be noted that in Order No. 94-486, the Commission specifically reserved the right to sever the earnings and incentive regulation issues for hearing purposes if the Commission saw fit to do so. Therefore, the Commission believes that it is premature, at this time, to rule on SCCTA's Petition for Reconsideration in this docket and believes that any ruling on this Petition must be held in abeyance until a later date.

SCCTA also filed a Motion to Make More Definite and Certain in this docket. In that Motion, SCCTA notes that Southern Bell filed a Petition to Reinstate Incentive Regulation, asking the Commission

to reinstate an Incentive Regulation plan approved by the Commission in Order No. 90-849, in Docket No. 90-266-C, which Order was subsequently reversed by the Circuit Court as a result of the Supreme Court of South Carolina's decision in South Carolina Cable Television Association v. Public Service Commission, \_\_\_ S.C. \_\_\_, 437 S.E.2d 38 (1993). SCCTA, therefore, requests in its Motion that Southern Bell make its pleadings more definite and certain in several particulars. For example, SCCTA believes that Southern Bell should set forth the basis for the request for Incentive Regulation, that Southern Bell should set forth what such services are subject to competition in the nature and extent of such competition. Further, when economies, efficiencies, improvements and methods of service have been instituted by Southern Bell and also that Southern should set forth precise terms of the Incentive Regulation plan for which approval is sought, as well as financial data and other information. The Commission notes that it has received a document opposing the Motion and further has received a reply of SCCTA to Southern Bell's opposition. The Commission has examined this matter and believes that the Motion to Make More Definite and Certain presents very complex issues in the context of this docket. The Commission believes that oral arguments would clarify a number of these issues for the Commission. The Commission, therefore, believes that oral arguments should be held on SCCTA's Motion to Make More Definite and Certain.

IT IS THEREFORE ORDERED THAT:

1. The Petition for Reconsideration of Order No. 94-486 is hereby held in abeyance.

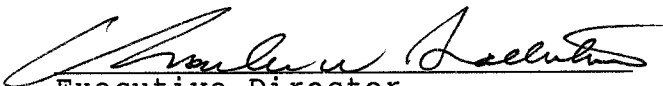
2. Oral arguments shall be set on SCCTA's Motion to Make More Definite and Certain at such future time as Staff may establish.

3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)